26. (Three Times Amended) A process for producing a laundry detergent article consisting essentially of:

a) preparing a detergent formulation comprising a slurry, said slurry comprising amphoteric, nonionic or anionic surfactants, and a builder, wherein said slurry has a viscosity in a range that permits coating a substrate;

b) applying, in a single step process, said detergent formulation to a needlepunched, nonwoven substrate comprising fibers having a melting point of approximately 300°F or greater; and

c) drying said detergent formulation and substrate until it forms said laundry detergent article that is dry to the touch and which does not substantially transfer detergent to other surfaces or to the skin when handled.

I. Status of the Claims

Claims 26-54 are pending in this application. Claim 26 has been amended, support for which can be found in the original claims and generally throughout the specification. *See, e.g.,* page 3, lines 6-14 (teaching that the detergent formulation is applied to a laundry sheet in one step, as opposed to certain components being added to a substrate independent of other components).

Accordingly, new matter has not been added by the amendment.

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II. Rejection Under 35 U.S.C. §103(a)

A. The Examiner has maintained the rejection of claims 26-31, 34, 36, 37, 40, 41, 48, 50, 52, and 53 under §103(a) as being unpatentable over U.S. Patent No. 4,938,888 to Kiefer et al. ("Kiefer") in view of U.S. Patent No. 4,953,250 to Brown ("Brown"). Applicants continue to respectfully traverse this rejection for the reasons of record, and the following additional reasons.

Despite the fact that Kiefer fails to teach a single-step process that uses a needle punched fabric substrate as claimed, the Examiner still believes that Kiefer would have made the claimed invention obvious, when combined with Brown. In maintaining this position, the Examiner asserts that the single step process does not impart patentability over Kiefer and Brown because "Applicants' claims do not preclude the presence of additional steps or additional components, and since the slurry of Kiefer which corresponds to the claimed composition, is applied in a single step process." Office Action at 8.

Applicants disagree with the Examiner's assertion that Kiefer's slurry corresponds to the claimed composition, as well as to the assertion that Kiefer teaches applying this slurry in a single step process. To advance prosecution, however, and to more clearly show the distinction in processes between the claimed invention and prior art, Applicants have amended claim 26 to recite a process for producing a laundry detergent article **consisting essentially** of, *inter alia*, applying, in a single step process, detergent formulation to a needlepunched, nonwoven substrate. In other words, the

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claimed invention is now closed to additional steps that would change the novel and material characteristics of the claimed invention. Because a material and novel characteristic of the claimed invention is applying the detergent formulation, which may include a fabric softening agent (see, e.g., claim 32), in a single step, the claimed invention is clearly outside the scope of that taught by Kiefer.

As the prosecution history makes clear, not only does Kiefer expressly teach (at col. 6, lines 36-65) that coating of the substrate sheet was accomplished in two stages, but Kiefer expressly provides the motivation for first applying the fabric softener to the substrate before the second coating step. For example, Kiefer teaches that applying the fabric softener to the substrate in the form of a dense stripe minimizes "softener losses in the early part of the wash cycle." (col. 6, lines 36-48). Contrary to the Examiner's assertion, Applicants' claims do preclude the presence of additional steps since additional steps would change the material and novel characteristics associated with the claimed single step process.

Similarly, Brown does not teach a process for producing a laundry detergent article comprising preparing a detergent formulation having the claimed slurry, much less applying, in a single step process, the detergent formulation to a substrate, as claimed. Applicants maintain their position that Brown cannot remedy the deficiencies in Kiefer regarding the single step process. Indeed, any modification of Kiefer to arrive at the claimed invention would necessarily contravene the express teachings of Kiefer, which not only require coating to be accomplished in two stages, but which expressly

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teach why the softening agent in the form of a thick stripe is first applied to the substrate, e.g., to minimize softening agent loss during the early part of the wash cycle. Id. For this reason, as well as the reasons of record, the rejection over Kiefer and Brown is improper and should be withdrawn.

As shown below, each of the numerous secondary references do not remedy the fundamental deficiencies in the Kiefer/Brown combination. Indeed, the Examiner repeatedly admits that she is not citing the secondary references for the fundamental elements recited in the independent claims, such as a "dry hand" or a needle-punched fabric, but for the specific teachings in the dependent claims. *See, e.g.*, only full paragraph on p. 8 of Office Action. Thus, the dependent claims separately rejected by the Examiner are patentable for at least the reason that they contain all the allowable subject matter of claim 26, as well as additional elements neither taught, nor suggested by the prior art of record.

B. The Examiner has maintained the rejection of claims 32, 33, 35-38, 42, 44-46, and 51 under §103(a) as being unpatentable over Kiefer in view of Brown, as applied to claims 26-31, 34, 36, 37, 40, 41, 48, 50, 52, and 53 above, and further in view of U.S. Patent No. 4,170,565 to Flesher ("Flesher"). Applicants continue to respectfully traverse this rejection for the reasons of record, and the following additional reasons.

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In addition to the deficiencies discussed above, the Examiner recognizes that Kiefer and Brown do not teach or suggest the inclusions of additional components, including the claimed surfactants, in the claimed process. As Flesher does not remedy the fundamental deficiency of Kiefer (i.e., the claimed single step process), it cannot render obvious the claimed invention even if it does teach the additional features asserted by the Examiner. For example, in addition to discouraging the use of a needle-punched fabric, (stating that it is desirable that the substrate materials meet the air permeability criteria without slits (col. 6, lines 50-54)), the substrate layer of Flesher does not exhibit a "dry hand," as claimed. Rather, the Flesher invention relies on a multi-ply structure where the surface-active composition is on or between plies of substrate material, not within the substrate material itself. See, e.g., the "Summary of the Invention," stating that the invention consists essentially of "a water-soluble surface-active agent contained between two layers of [substrate material]." Col. 2, lines 57-63.

While the Examiner admits that Flesher does not teach a needle-punched fabric or a dry hand, she asserts that Flesher was not cited for these features since these features "are amply set forth in Kiefer and Brown." Office Action at 8. The Examiner cannot pick and choose an isolated teaching from a reference while ignoring other teachings. Rather, in asserting obviousness over a combination of references the Examiner must consider what the full disclosure of the references teach one skilled in the art. On page 3 of the Office Action, for example, the Examiner admits that the combination of Kiefer and Brown fail to teach additional components, including

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bleaching agents, soil suspending agents, corrosion inhibitors, dyes, fillers, optical brighteners, suds suppressing agents, germicides, pH adjusting agents, anti-wrinkling agents, enzymes stabilizing agents and perfumes, in addition to all the claimed surfactants.

Despite not teaching at least these many components, the Examiner believes that their incorporation into a substrate will not affect the ability of the resulting substrate to obtain a dry hand. In other words, because Kiefer teaches achieving a dry hand, it is irrelevant how this property will be affected by the components described in Flesher. This rationale has neither the scientific nor legal basis to support an obviousness-type rejection. For example, Flesher does not have a dry hand but relies on a multi-ply structure where the surface-active composition is on or between plies of substrate material, to avoid a wet feel. In addition, in view of the complete lack of teaching supporting this position, one can objectively conclude that this rejection is based on an obvious to try standard, which does not support an obviousness rejection under section 103

For at least these reasons, the rejection over Kiefer in view of Brown and Flesher is improper and should be withdrawn.

C. The Examiner has maintained the rejections of various independent claims over Kiefer in view of Brown and Flesher, as applied to claims 32, 33, 35-38, 42, 44-46, and 51 above, and further in view of additional secondary references.

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For example, the Examiner has maintained the rejection of claims 47 and 49 under §103(a) as being unpatentable over Kiefer in view of Brown and Flesher, as applied to claims 32, 33, 35-38, 42, 44-46, and 51 above, and further in view of U.S. Patent No. 4,113,630 to Hagner et al. ("Hagner").

In addition, the Examiner has maintained the rejection of claim 39 under §103(a) as being unpatentable over Kiefer in view of Brown and Flesher, as applied to claims 32, 33, 35-38, 42, 44-46, and 51 above, and further in view of U.S. Patent No. 5,196,139 to Moschner ("Moschner").

The Examiner has also maintained the rejection of claim 43 under §103(a) as being unpatentable over Kiefer in view of Brown and Flesher, as applied to claims 32, 33, 35-38, 42, 44-46, and 51 above, and further in view of U.S. Patent No. 5,298,249 to Hani ("Hani"). Applicants continue to traverse each of these rejections for the reasons of record and the following additional reasons.

As shown, Kiefer, alone or in combination with Brown and Flesher, does not teach or suggest the limitations of the independent claims. The Examiner admits that the secondary references are not cited to cure the fundamental deficiencies in the Kiefer/Brown/Flesher combination, but for the alleged teachings of claims 39, 43, 47, and 49. However, as dependent claims 39, 43, 47, and 49 add further elements to the patentable process of claim 26, these claims are necessarily patentable over the cited prior art.

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For at least these reasons, the rejection over Kiefer in view of Brown and Flesher and further in view Hagner, Moschner, and Hani is improper and should be withdrawn.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and timely allowance of the pending claims. Please grant any necessary extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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By: _____
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